

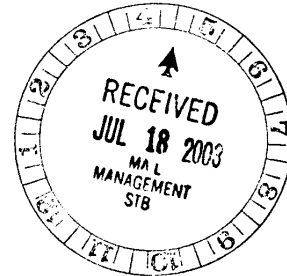


208450

July 18, 2003

**VIA UPS NEXT DAY AIR**

Vernon A. Williams  
Surface Transportation Board  
1925 "K" Street, N.W., Room 504  
Washington, DC 20423-0001

**ENTERED**  
**Office of Proceedings****JUL 21 2003****Part of**  
**Public Record**

**RE: Proposed Abandonment of an Eastern Portion of the Bristow Subdivision from M.P. 318.36 near Hampton to M.P.294.75 near Coulter, a distance of 23.61 miles in Franklin and Butler Counties, Iowa; STB Docket No. AB-33 (Sub-No. 200X)**

Dear Mr. Williams:

Union Pacific Railroad Company ("Union Pacific") has received a request from the Iowa Trails Council seeking the issuance of a Certificate or Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Eastern Portion of the Bristow Subdivision from Milepost 318.36 near Hampton, Iowa to Milepost 294.75 near Coulter Iowa, a distance of 23.61 miles in Franklin and Butler Counties, Iowa. The Union Pacific is willing to negotiate with the Iowa Trails Council concerning the acquisition of the subject property for trail use and supports the Council's request to negotiate for a period of 180 days. A copy of the Iowa Trails Council's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Ten (10) additional copies of this letter with exhibits are enclosed for the Board's use and distribution.

Sincerely yours,

Enclosures

cc: Brian O'Boyle <STB - Fax 202/565-9004>  
Iowa Trails Council

Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

O:\ABANDONMENTS\33-200X\STB3.WPD

UNION PACIFIC RAILROAD  
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718  
ph. (312) 777-2055 fr. (312) 777-2065



Post Office Box 131 Center Point, Iowa 52213-0131 319-849-1844  
Tom F. Neenan, Executive Director



June 9, 2003

Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 "K" Street  
Washington, D. C. 20423

Re. AB33 (Sub No. 200X)

Dear Secretary Williams:

This application is to supersede our application dated May 12 which we have been advised was filed prior to Union Pacific's official filing for abandonment. We are representing the interests of the Franklin County Conservation Board, a governmental body, thus not subject to the required \$150.00 fee.

**PETITION.** Please let this serve as our petition for the issuance of a Certificate or Notice of Interim Trail Use and the placement of a Public Use Condition on the above proposed abandonment by the Union Pacific Railroad Company of their right-of-way known as the Bristow Subdivision from Milepost 318.36 near Hampton to Milepost 294.75 near Allison, a distance of 23.61 miles in Franklin and Butler counties, Iowa.

**NEED FOR PRESERVATION.** We have taken no position as to whether this proposed abandonment should be approved or rejected by the Surface Transportation Board. We believe that there is a serious need for preservation of this soon to be abandoned railroad right-of-way for possible reactivation of rail service with interim use as a trail to help preserve the land in proper condition for that reactivation of rail service. There is a definite need for energy efficient transportation in this area of Iowa and preserving this right-of-way as a trail would serve that additional purpose.

**OTHER FACTORS.** In addition, preservation of this right-of-way would serve to provide an opportunity for installation of utility lines, both overhead and underground. Use of this corridor for those purposes would be preferred to taking agricultural land from production of food for this purpose.

**INTERIM TRAIL USE.** We request that, if abandonment of this line is to be approved by the Board, that a Notice of Interim Trail Use and a Public Use Condition be placed upon this abandonment, in order to make the right-of-way available for possible reactivation of rail service in the future.

**PUBLIC USE CONDITION.** A Public Use Condition needs to be placed upon this abandonment because of the serious lack of the availability of such land for public use in Iowa, a State which ranks next to the bottom in land held for public use. This particular abandonment, when converted to a public trail, would also serve the purpose of joining together other such trails so as to make

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Executive Director  
Tom Neenan, Center Point

Affiliates: American Discovery Trail Society-American Hiking Society-Rail/Trail-Conservancy-American Trails

it attractive as an economic asset to the area. Acquisition of this corridor ties in with stated prepared plans for trail development statewide. It will further enhance the preservation of wildlife which has been vastly depleted in Iowa in the last century.

**NEGOTIATION TIME PERIOD REQUIRED.** Our experience in dealing with such acquisitions over the past twenty years leads us to believe that we will need a minimum of 180 days in which to negotiate with the railroad for acquisition of this land for the purpose of creating a public trail. We request that the Board specify at least this amount of time for this purpose. During this time we request that no bridges, trestles, culverts, ballast and other such items be removed, these items being important to the purpose for which we seek this corridor.

**WILLINGNESS TO ASSUME.** The Iowa Trails Council, representing the interests of the Franklin and Butler County Conservation Boards, as shown by the accompanying letters, together with those boards, is willing to assume full responsibility for the management of the land, for any legal liability arising out of the transfer or use of this land (unless the user is immune from liability) and for the payment of any and all taxes that may be levied or assessed against this land following transfer of title.

**CONTINUING TO MEET RESPONSIBILITIES.** The Council acknowledges, as well, for itself and for the boards, that it is understood that the use of this right-of-way as a trail is contingent upon the Council and the Conservation Boards continuing to meet the financial responsibilities described above.

**POTENTIAL REACTIVATION OF RAIL SERVICE.** It is also agreed that the use of this right of-way as a trail will be terminated if there is a need in the future, for reactivation of rail service, as provided by U. S. C. 1247 and CFR 1159.28, Section 8 (d) of the National Trails System Act Amendment of 1983.

**ENCLOSURES.** We are attaching ten copies of a map depicting the area where the proposed abandonment lies and are providing ten copies of this application. We are, as well, sending copies of this application to the Legal Offices of the Union Pacific Railroad Company at 101 North Wacker Drive in Chicago, Illinois, 60606, as well as the company's real estate office at 1800 Farnam St in Omaha, NE., 68102.

Sincerely,

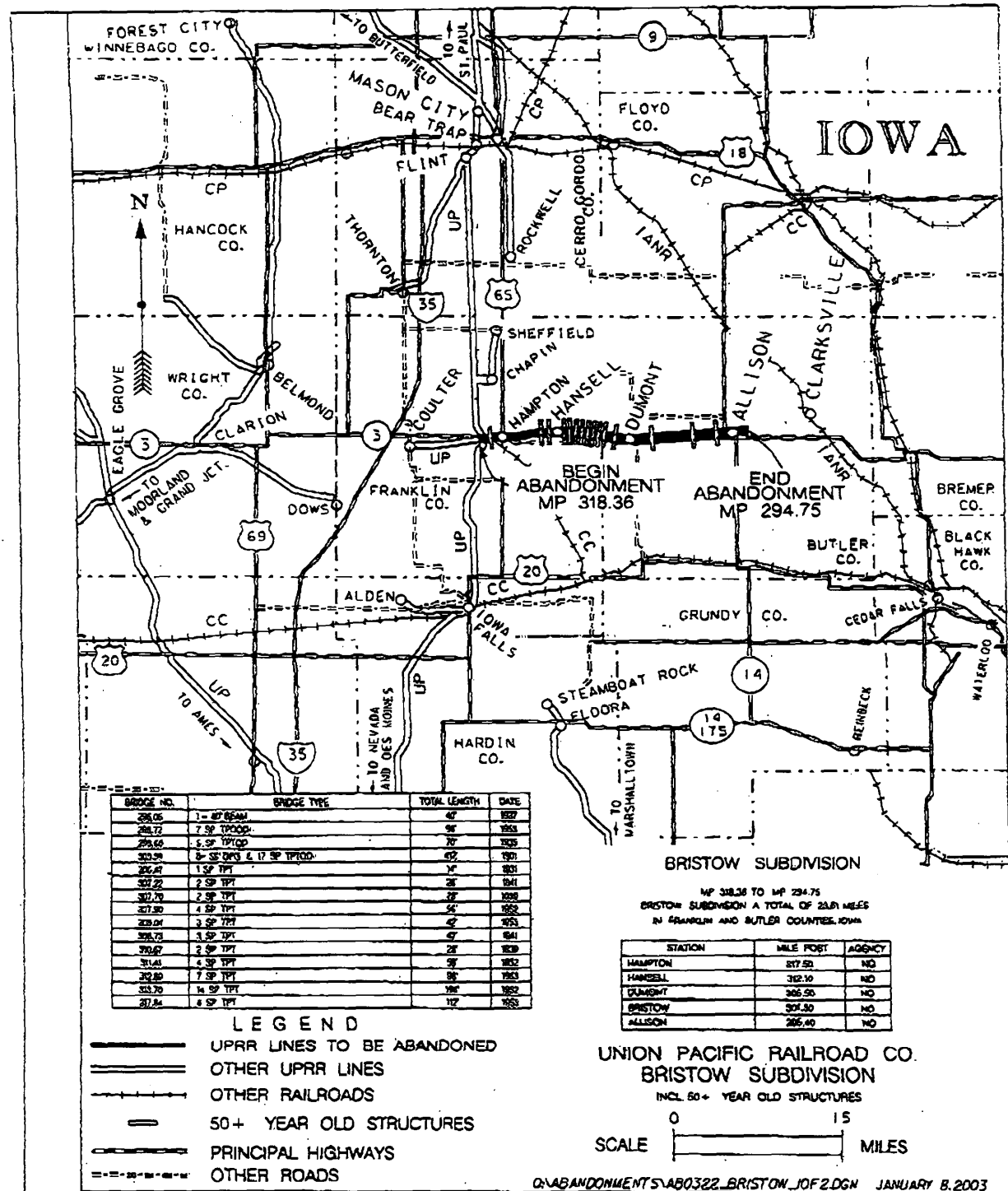


Tom Neenan  
Executive Director

JUL 18 2003 16:29 FR UPRR  
FROM : Tom Neenan ITC

312 853 8465 TO 912025659004  
FAX NO. : 3198491844

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Jun. 10 2003 12:47PM P3



**UNION PACIFIC RAILROAD COMPANY  
FACSIMILE TRANSMISSION**

Law Department  
Chicago

101 N. Wacker Dr.  
Room 1920  
Chicago, IL 60606

**Deliver to:** Brian O'Boyle

**Co./Dept:** Surface Transportation Board

**Fax:** 202/565-9004

**From:** Mack H. Shumate, Jr.

**Phone:** 312/777-2055

**Date:** July 18, 2003

**Fax:** 312/777-2065

No. of Pages Transmitted - 5 - Including Cover

**RE:** STB Docket No. AB-33 (Sub. No. 200X), Union Pacific Railroad Company — Abandonment Exemption --- Proposed abandonment of an Eastern Portion of the Bristow Subdivision from Milepost 318.36 near Hampton, Iowa to Milepost 294.75 near Coulter, Iowa, a distance of 23.61 miles in Franklin and Butler Counties, Iowa

**Comments:**



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